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February 27, 2008

Via Facsimile

Hon. Stephen C. Robinson
United States District Court
Southern District of New York
United States Courthouse, Room 633
300 Quarropas Street
White Plains, New York 10601

MEMO ENDORSED

Re: *McAvey v. Orange-Ulster BOCES, et al.*
07-CIV-11181 (SCR)

Dear Judge Robinson:

We are the attorneys for defendants, Orange-Ulster BOCES, Jeffrey Smith, Jake McHale and Marguerite Flood, in the above-referenced action which is assigned to Your Honor.

Previously, we moved on behalf of three of our clients, defendants Orange-Ulster BOCES, McHale and Flood, to dismiss plaintiff's complaint pursuant to FRCP 12(b)(6). That motion was returnable on February 15, 2008 and is now *sub judice*.

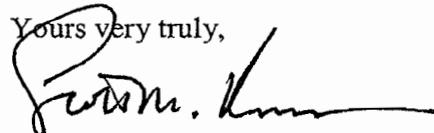
After the motion was made, defendant Smith was served with process, and this firm now appears as his attorney of record in this action as well. In light of that development, defendant Smith has authorized us to request that he be joined as a movant with respect to the pending motion to dismiss brought by his three co-defendants.

I have notified plaintiff's attorney of record Christopher D. Watkins of this application, and Mr. Watkins has advised that he has no objection to joining Smith as a movant in connection with the pending motion.

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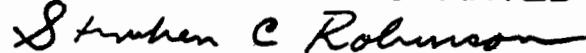
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Thank you for your attention and courtesies. Should you require anything further, please let us know.

Yours very truly,

Scott M. Karson

SMK/vs
cc: Christopher D. Watkins, Esq. (*via facsimile*)

APPLICATION GRANTED



3/24/08

HON. STEPHEN C. ROBINSON

Attorneys for Defendants are
directed to file an application
for Defendants' Exhibit.